

EXHIBIT A

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 THE REPUBLIC OF ARGENTINA

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

NML CAPITAL, LTD.,

Plaintiff,

vs.

SPACEPORT SYSTEMS
 INTERNATIONAL, L.P., a Delaware
 limited partnership; THE REPUBLIC
 OF ARGENTINA, a foreign state; and
 DOES 1-10,

Defendants.

No. CV11-03507-SJO (RZx)

Hon. S. James Otero

**DECLARATION OF CONRADO
 VAROTTO IN SUPPORT OF
 DEFENDANT THE REPUBLIC OF
 ARGENTINA'S OPPOSITION TO
 PLAINTIFF'S APPLICATION FOR
 RIGHT TO ATTACH ORDER AND
 WRIT OF ATTACHMENT**

[Filed concurrently with: (1) Notice of
 Opp. and Claim of Exemp.; (2) Memo.
 of Points & Auth.; (3) Declarations of
 Oleh Jachno and Donald R. Brown]

Hearing date: May 23, 2011
 Time: 10:00 a.m.
 Courtroom: 1

Complaint filed: April 25, 2011

1 **DECLARATION OF CONRADO F. VAROTTO**

2 I, Conrado F. Varotto, declare as follows:

3 1. I am the Executive and Technical Director of the Comisión
4 Nacional de Actividades Espaciales ("CONAE"), the Argentine agency in charge,
5 inter alia, of planning, executing and evaluating Argentina's national space program
6 for the peaceful use of space science and technology. As the Executive and
7 Technical Director of CONAE, my responsibilities are those of a typical CEO,
8 which include day-to-day executive and administrative tasks (such as hiring
9 personnel and approving contracts) and all actions necessary to fulfill CONAE's
10 purpose.

11 2. I have held the position of CONAE's CEO since February 1994.
12 I have over 48 years of academic and professional experience in the area of applied
13 science. Before joining CONAE, my professional and academic practice was in the
14 field of material science and nuclear physics. For example, from 1976 to 1991, I
15 was the founder and CEO of INVAP S.E., an Argentine high technology company
16 that is currently engaged in the construction of satellites. In 1968 I received my
17 doctorate in physics from the Balseiro's School of Physics and between February
18 1968 and December 1970 I was a Research Associate at the Materials Science
19 Department at Stanford University. I have personal knowledge of the facts set forth
20 in this Declaration, and I could and would competently testify to them if called as a
21 witness.

22 3. I submit this Declaration to provide the Court with a description
23 of the Aquarius/SAC-D satellite mission, in support of the Republic's
24 Memorandum of Law in Opposition to Plaintiffs' Application for Right to Attach
25 Order and Writ of Attachment.

26 4. The Aquarius/SAC-D project is an inter-governmental satellite
27 mission, jointly developed by the National Aeronautics and Space Administration
28 of the United States of America ("NASA") and CONAE, with the collaboration of

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1 the *Agenzia Spaziale Italiana* (the Italian Space Agency, or “ASI”), the *Centre*
2 *National d’Etudes Spatiales* (the French Centre for Space Studies or “CNES”), the
3 Canadian Space Agency (“CSA”), the *Agencia Espacial Brasileira* (the Brazilian
4 Space Agency or “AEB”) and the *Instituto Nacional de Pesquisas Espaciais* (the
5 Brazilian national institute of space research, or “INPE”). These national space
6 agencies contributed to – and/or own – several of the components of the
7 Aquarius/SAC-D satellite, including an Integrated L-Band Radiometer and
8 Scatterometer, together known as the “Aquarius instrument,” from NASA; a Radio
9 Occultation Sounder for Atmosphere from ASI (Italy); two detectors “ICARE” and
10 “SODAD” from CNES (France); and a New Infrared Sensor Technology jointly
11 developed by CONAE and CSA (Canada). The Aquarius/SAC-D project, which is
12 part of a long history of cooperation between NASA and CONAE, is part of
13 NASA’s Earth System Science Pathfinder (ESSP) program.

14 5. The Aquarius/SAC-D platform was designed to accommodate
15 the rigorous mechanical and electric requirements demanded by the extremely
16 sensitive Aquarius Instrument, which is part of a \$250 million investment of the
17 United States government. All the instruments of the Aquarius/SAC-D satellite are
18 physically and functionally inseparable from the integrated satellite platform as a
19 whole; they cannot be separated from the platform without risking significant and
20 potentially permanent damage to the observatory. It is therefore not feasible to
21 separate the Aquarius instrument from the platform and recreate a new mission that
22 would achieve the same scientific objectives. Opening the platform to remove any
23 instrument would result in a complete loss of the environmental tests and
24 certifications already conducted, and would destroy all the work done in the last ten
25 months by dozens of scientists from around the world. It would also render the
26 platform virtually useless for any future use.

27 6. The primary science objectives of the Aquarius/SAC-D mission
28 are to contribute to the understanding of the total Earth system and the effects of

1 natural and human-induced changes on the global environment. Once the satellite
2 is in orbit, it will collect important scientific data concerning ocean salinity levels,
3 which will provide scientists with long-term data critical to understanding global
4 water cycles, ocean circulation, and climate control. The information obtained by
5 the Aquarius/SAC-D satellite will, among other things, assist in the management of
6 emergencies and natural or anthropogenic disasters such as forest and pasture fires,
7 floods, volcanic eruptions, earthquakes, tornados, cyclones, hurricanes, landslides
8 and hydrocarbon spills, in the prevention (including early warning), assistance and
9 recovery stages. The environmental monitoring that the Aquarius/SAC-D satellite
10 will conduct, including measurements of soil moisture on a large scale, will also
11 have health applications, such as the creation of early warning systems for the onset
12 and/or spread of disease. The success of the Aquarius/SAC-D mission will have
13 applications that will benefit humankind in general, including preventing the loss of
14 life and property in the event of natural disasters.

15 7. NASA and CONAE will distribute data obtained from the
16 Aquarius/SAC-D to the scientific community from its websites at no cost. Data
17 obtained from the Aquarius instrument will also be distributed from and archived at
18 NASA's Physical Oceanography Distributed Active Archive Center at the Jet
19 Propulsion Laboratory in Pasadena, California. This data will contribute
20 significantly to improving computer generated models that are used to forecast
21 future climate conditions. CONAE will receive no revenue from its participation in
22 the Aquarius/SAC-D project.

23 8. Unlike satellites that are commonly used for commercial
24 applications such as telecommunications satellites, or more basic scientific satellites
25 that can be operated through smaller platforms, the Aquarius/SAC-D observatory
26 was designed to serve specific scientific purposes. As a result, there is no market
27 for the Aquarius/SAC-D satellite or its components, which were built following
28 unique specifications. A specific platform such as the Aquarius /SAC-D has no

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1 value, commercial or otherwise, other than for the scientific use for which it was
2 specifically designed.

3 9. The Aquarius/SAC-D satellite was flown from the airport of São
4 Jose dos Campos, Brazil, where it was being tested, to Vandenberg Air Force Base
5 in the United States, California, on two U.S. Air Force C17 aircraft provided by
6 NASA, at which point NASA took possession of the satellite. The satellite is
7 currently at the Vandenberg Air Force Base, where technicians working for NASA
8 are conducting tests and preparing it for launch. NASA's Launch Services Program
9 at the Kennedy Space Center in Florida is managing the launch. The satellite is
10 scheduled to be moved by NASA on May 18, 2011 from its current location at
11 Vandenberg Air Force Base to the launch site at the base, in continued preparation
12 for launch. CONAE is not using the Aquarius/SAC-D satellite for any activity in
13 the United States, and I understand that it has no right to do so.

14 10. It is vital for the success of the mission that the Aquarius/SAC-
15 D satellite be launched into orbit on the scheduled launch date which has been set
16 for June 9. Failure to meet the launch schedule would have a devastating impact on
17 the mission and will result in millions of dollars in losses to all the national space
18 agencies involved in the project, including NASA. An instrumental part of the
19 design of a satellite depends on the characteristics of the launching vehicle. The
20 Aquarius/SAC-D satellite is programmed to be launched into orbit on June 9 by the
21 Delta II launch system. This is one of the last scheduled launches for Delta II.
22 According to NASA's Launch Manifest, there are two missions scheduled to be
23 launched with the Delta II in August and October, but using a different
24 configuration, after which the Delta II will be dismantled and replaced by another
25 NASA launch vehicle. Preventing the launch at the scheduled date would require
26 keeping the Delta II launch system which, even if it were possible (which is not
27 certain), would result in extremely high costs that the mission cannot afford. This
28 would put the viability of the mission at serious risk, with irreparable loss to the

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1 entire scientific community. The mission requirements impose a short five minute
2 launch window every day. If the launch date is delayed for any reason other than
3 the normal contingencies of the launch of a satellite, it will result in complications
4 that the mission will, most likely, be unable to afford to resolve.

5
6 I declare under penalty of perjury under the laws of the United States
7 of America that the foregoing is true and correct.

8 Executed on May 2, 2011, in Buenos Aires, Argentina.

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11 Conrado F. Varotto
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